

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Louis S. Crocker, et al.		
Serial No.:	10/660,936	Case: 20163DACB	Art Unit: 1625
Filed:	September 12, 2003		
For:	POLYMORPHIC, AMORPHOUS AND HYDRATED FORMS OF 5-CHLORO-3-(4- METHANESULFONYLPHENYL)-6'-METHYL- [2,3']BIPYRIDINYL		
			Examiner: Davis, Z. N.

Commissioner for Patents
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

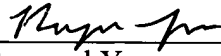
This Communication is to bring to the Examiner's attention that U.S. No. 5,861,419, granted January 19, 1999, (*see* the Information Disclosure Statement dated September 12, 2003) discloses a method for preparing the compound of Formula A at column 47, line 20 to column 54, line 45, which resulted in the compound of Formula A in crystalline form designated in the instant application as Form I. The description of this method is entitled to an effective date as a reference pursuant to 35 U.S.C. § 102(e) of July 11, 1997, but is not found in any of the priority documents, U.S. Nos. 60/022,128, filed July 18, 1996, 60/027,139, filed October 1, 1996 or 60/041,814, filed April 8, 1997. Applicants submit herewith a Declaration of Louis S. Crocker pursuant to 37 C.F.R § 1.131, as well as evidence submitted therewith, establishing invention of the claimed subject matter prior to the effective date of the aforementioned process described in column 47, line 20 to column 54, line 45 of the '419 patent.

Please observe that in the copy of the notebook page submitted with the Declaration of Louis S. Crocker, the dates have been redacted.

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If there are any questions with respect to this Communication, the Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

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Date: February 11, 2004